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December 22, 1994

BY HAND

Steven M. Johnson  
Section Chief  
Site Management  
Bureau of Waste Site Cleanup  
Massachusetts DEP  
10 Commerce Way  
Woburn, MA 01801

Re: Wilmington Olin Chemical Site -- DEP RTN: 3-11816

Dear Mr. Johnson:

Further to my letter to you dated November 28, 1994, American Biltrite Inc. ("ABI") and The Biltrite Corporation ("TBC") have requested that I respond to the Notice of Responsibility and Interim Deadline from DEP dated November 17, 1994 (the "Drum NOR") regarding a purported imminent hazard relating to buried drums located on the above-captioned site (the "site").

As detailed more fully in my response to the previous NOR, issued with respect to the site cleanup generally, responsibility for the cleanup of the site is currently the subject of litigation in the Federal District Court for the District of Massachusetts. See Olin Corporation v. Fisons PLC, et al., C.A. No. 93-11166-MLW. As you know, ABI and TBC believe for a variety of reasons that Olin Corporation ("Olin") is primarily responsible for the costs of remediating any contamination present at the site, including the costs of remediating any contamination relating to buried drums at the site. Olin has chosen the federal court litigation as the mechanism for sorting out the relative liability, if any, of ABI or TBC for Olin's response costs. Under these circumstances, we believe that the federal court forum is the most appropriate for resolving Olin's claims.

We understand that Olin has signed the Tier I Transition Classification and Permit Statement (the "Tier I Permit"). In its cover letter submitting the Tier I Permit, Olin indicates that it "is committed to seeing that necessary site assessment

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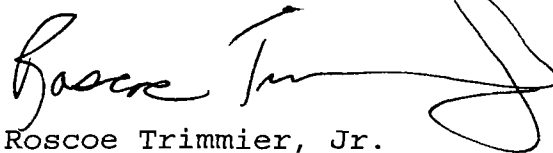
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and cleanup work is completed." See Letter from Steve G. Morrow to Valerie Armstrong dated September 16, 1994. It is our view that any response actions relating to the buried drums are encompassed within the scope of the Tier I Permit. We feel this is appropriate since, among other reasons, Olin has been aware of the existence of the buried drums at least as far back as 1990. In addition, in response to the Drum NOR directed to Olin dated November 17, 1994, Olin notified DEP that it "intends to submit a response action plan as required by the NOR." See Letter from Steve G. Morrow to Valerie Armstrong dated December 5, 1994. Based on the foregoing and the representations from Olin, ABI and TBC believe that Olin should and will undertake the response actions required by the Drum NOR.

In light of Olin's acknowledgment of its responsibility for the cleanup of the site, Olin's long-standing knowledge of the buried drums, our belief that Olin is primarily responsible for any response actions incurred in connection with the remediation of the site and the fact that Olin has chosen the federal court litigation referred to above as the method of resolving the issues of the relative liability of Olin and the alleged former owner/operators of the site, ABI and TBC do not intend to submit a separate response plan.

Please contact me if you have any questions or wish to discuss this matter further.

Sincerely,

  
Roscoe Trimmier, Jr.

